

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ROLLING MEADOW RANCH, INC., A
Florida Corporation;

Plaintiff,

vs.

PRO AG MANAGEMENT, A Colorado
Partnership;

Defendant.

8:19CV39

**SECOND AMENDED FINAL
PROGRESSION ORDER**

This matter is before the Court on the parties' Stipulated Motion to Extend Final Progression Order Deadlines. ([Filing No. 26.](#)) The motion is granted. Accordingly,

IT IS ORDERED that the amended final progression order is as follows:

- 1) The Pretrial Conference remains scheduled before the undersigned magistrate judge on **July 17, 2020 at 11:00 a.m.**, and will be conducted by internet/telephonic conferencing. (Filing No. 19.) Counsel shall use the conferencing instructions assigned to this case to participate in the conference. (If counsel wishes to appear in person, counsel must contact chambers requesting permission to do so. Before contacting chambers to request such relief, counsel shall confer regarding the issue.) The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to bazis@ned.uscourts.gov, in Word format, **by 12:00 p.m. on July 14, 2020.**
- 2) A telephonic conference to discuss the status of case progression and the parties' interest in settlement will be held with the undersigned magistrate judge on **March 12, 2020 at 3:00 p.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference. ([Filing No. 17.](#))
- 3) A status conference in regard to the pretrial conference remains set for **July 6, 2020 at 3:00 p.m.** by telephone. (Filing No. 23.) Counsel shall use the conferencing instructions assigned to this case to participate in the conference. ([Filing No. 17.](#))
- 4) The deadline for serving initial mandatory disclosures under Rule 26(a)(1) is **March 27, 2019.**
- 5) The deadlines for moving to amend pleadings or add parties are:

For the plaintiff(s):

August 15, 2019

For the defendant(s):

August 15, 2019

- 6) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is **November 8, 2019.** Motions to compel

discovery under Rules 33, 34, and 36 must be filed by **November 22, 2019**

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 7) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

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| For the plaintiff(s): | October 7, 2019 |
| For the defendant(s): | October 7, 2019 |
| Plaintiff(s) and Defendant(s) rebuttal: | November 15, 2019 |

- 8) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

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| For the plaintiff(s): | December 20, 2019 |
| For the defendant(s): | December 20, 2019 |
| Plaintiff(s) and Defendant(s) rebuttal: | February 5, 2020 |

- 9) The deposition deadline is **March 2, 2020**.
- a. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is **15**.
 - b. Depositions will be limited by Rule 30(d)(1).
- 10) The deadline for filing motions to dismiss and motions for summary judgment is **March 23, 2020**.
- 11) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **March 23, 2020**.
- 12) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 13) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 14) All requests for changes of deadlines or settings established herein shall be directed

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 19th day of August, 2019.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge